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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

University of Jerusalem "Al-Quds" for Palestine refugees

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 49/35 G of 9 December 1994, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Emphasizes the need for strengthening the educational system in the Palestinian territory occupied by Israel since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

"2. Requests the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem 'Al-Quds', in accordance with its resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

"3. Calls once more upon Israel, the occupying Power, to cooperate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem 'Al-Quds';

"4. Also requests the Secretary-General to report to the General Assembly at its fiftieth session on the progress made in the implementation of the present resolution."

2. It will be recalled that the General Assembly first considered the establishment of the proposed university at its thirty-fifth session. At that session it adopted, on 3 November 1980, resolution 35/13 B, in paragraph 5 of which it requested the Secretary-General, in coordination with the Council of the United Nations University, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Educational, Scientific and Cultural Organization, to study ways and means of establishing at Jerusalem a university of arts and sciences to cater to the needs of Palestine refugees in the area, under the aegis of the United Nations.

3. Since then, the General Assembly has adopted 14 further resolutions on the subject (36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983, 39/99 K of 14 December 1984, 40/165 K of 16 December 1985, 41/69 K of 3 December 1986, 42/69 K of 2 December 1987, 43/57 J of 6 December 1988, 44/47 J of 8 December 1989, 45/73 J of 11 December 1990, 46/46 J of 9 December 1991, 47/69 J of 14 December 1992, 48/40 I of 10 December 1993 and 49/35 G of 9 December 1994) and the Secretary-General has submitted 13 reports (A/37/599, A/38/386, A/39/528, A/40/543, A/41/457, A/42/309, A/43/408, A/44/474, A/45/530, A/46/540, A/47/601, A/48/431 and A/49/505) on the steps he has taken in pursuance of those resolutions, including his efforts to prepare the functional feasibility study on establishing the proposed university that was first requested by the Assembly in its resolution 36/146 G. The position of the Government of Israel in regard to the establishment of the university is also set out in those reports.

4. As the Secretary-General has previously indicated (see A/41/457, para. 4), he believes that, in order to comply with the request addressed to him by the General Assembly, it will be necessary to complete the functional feasibility study initiated in pursuance of previous Assembly resolutions. To that end, after Assembly resolution 49/35 G was adopted, the Secretary-General again sought the assistance of the Rector of the United Nations University, who, at his request, made available a highly qualified expert, Dr. Mihaly Simai, to assist in the preparation of the study. The expert was to visit the area and meet with the competent Israeli officials, bearing in mind that Israel exercises effective authority in the area concerned.

5. In a note verbale dated 11 September 1995 addressed to the Permanent Representative of Israel to the United Nations, the Secretary-General, with reference to the request addressed to him by the General Assembly, requested that the Government of Israel facilitate the visit of the expert, which would take place at a mutually convenient date. Recalling the position taken by the Government of Israel concerning the proposed university, as well as the clarifications already given by the Secretariat to the questions raised by the Israeli authorities (see A/36/593, annex), the Secretary-General expressed the opinion that such questions could be best discussed on the occasion of the visit of the United Nations expert.

6. On 18 September 1995, the Permanent Representative of Israel sent the following reply to the Secretary-General:

"The Permanent Representative would like to recall his note of 8 June 1995 1/ addressed to the Secretary-General, in which the position of the Government of Israel concerning resolutions 49/35 A-G was clarified.

"Israel has voted consistently against the resolution entitled University of Jerusalem 'Al-Quds' for Palestine refugees, and its position remains unchanged. It is clear that the sponsors of this resolution seek to exploit the field of higher education for political purposes totally extraneous to genuine academic pursuits. Accordingly, the Government of Israel is of the opinion that the proposed visit of Dr. Mihaly Simai to Israel would serve no useful purpose."

7. In view of the position taken by the Government of Israel, it has not been possible to complete the functional feasibility study on the proposed university at Jerusalem as planned.

Notes

1/ The Israeli note of 8 June 1995 read:

"Israel's position on these resolutions has been set forth in successive annual replies submitted to the Secretary-General in recent years, the latest being Israel's note verbale dated 27 July 1994. While it is true that the number of resolutions regarding UNRWA has been reduced in the past year from 10 to 7, the content of these resolutions remains occupied with political issues irrelevant to the work for which UNRWA is responsible, and thus remains detached from the new reality. Accordingly, Israel abstained on resolutions 49/35 A and D, and voted against resolutions 49/35 C, E, F and G.

"It should be noted that the signature of the Declaration of Principles and the Agreement on the Gaza Strip and the Jericho Area has engendered further significant progress in the framework of the peace process. This includes the establishment of the Palestinian Authority, the signature, by Israel and the Palestine Liberation Organization (PLO), of the Agreement on Preparatory Transfer of Powers and Responsibilities on 29 August 1994 at Erez, and the continuing negotiations on further implementation of the Declaration of Principles.

"Israel believes that UNRWA can play an important role in promoting the social and economic advancement foreseen in the agreements between Israel and the PLO, and accordingly looks forward to continuing the cooperation and good working relationship with UNRWA.

"In light of the above, Israel considers it essential that the General Assembly consolidate the resolutions regarding UNRWA into one resolution directly related to the Agency's humanitarian tasks. This would also be compatible with the necessity to rationalize the work of the General Assembly."